

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY SNELLING,

Plaintiff

v.

BRIAN HARRISON,

Defendant

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3:17-CV-2198
(JUDGE MARIANI)

ORDER

AND NOW, THIS 3rd DAY OF AUGUST 2018, upon review of Magistrate Judge Mehalchick's Report and Recommendation ("R&R") (Doc. 6) for clear error or manifest injustice, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 6) is **ADOPTED** for the reasons set forth therein.¹
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. Plaintiff shall file an Amended Complaint within **21 days of the date of this Order**. Failure to file an Amended Complaint may result in the dismissal of this action.
3. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge

¹ The Court is unable, at this time, to determine whether it has subject matter jurisdiction over this action. Plaintiff's Complaint does not set forth the legal basis for his cause of action, or set forth any detail as to where Mr. Harrison's actions took place, what injuries Plaintiff suffered, and any causal connection between Defendant's actions and Plaintiff's injuries. Further, because the Court is unaware of the legal basis upon which Plaintiff's claim is premised, the Court is unable to determine whether Defendant's removal of this action may have resulted in a waiver of its sovereign immunity defense.

Nonetheless, assuming that jurisdiction was proper, it is without question that Plaintiff has failed to plead adequate facts to state a claim upon which relief can be granted.